

Remarks

The Office Action mailed February 25, 2005 has been carefully reviewed and the following remarks are made in consequence thereof.

In a teleconference with the Examiner on April 18, 2005, Applicants queried whether an acknowledgment had been made of an information disclosure statement (IDS) submitted on October 2, 2002. The Examiner responded that she could not find a record of the submission in the patent office electronic system and asked the Applicants to resubmit the IDS with a proof of receipt by the patent office. Applicants herewith resubmit the IDS with the proof.

Claims 1-11, 13-38, 40-75 and 79-81 are now pending in this application. Claims 1-11, 13-38, 40-75 and 79-81 stand rejected. Claims 12, 39, and 76-78 have been canceled without prejudice, waiver, or disclaimer. Claims 1, 19, 28, 46, 55, 64, and 73-75 have been amended. No new matter has been added.

The rejection of Claims 1-11, 13-38, 40-75, and 79-80 under 35 U.S.C. § 103(a) as being unpatentable over Customer support system (circuitcity.com) is respectfully traversed.

Customer support system describes a system for providing customer support related to product services and repairs. In the system, if a user's product needs repair, the user may bring the product to any of Circuit City's 450 store locations near the user or directly to one of Circuit City's product service centers (page 1, section 2). Should the product need in-home service, the user can contact the nearest service center to arrange for a convenient appointment time (page 1, section 2). In the system, if the user is in his/her first year of warranty, the user may be covered by an on-site warranty of a manufacturer (page 1, section 4). If the manufacturer does not provide an on-site warranty and the user is still in his/her first year of ownership, the user may bring his/her computer to any local Circuit City store for in or out of warranty repairs (page 1, section 4). The user may drop off the product that needs service at any one of regional service centers or at any Circuit City store (page 25). The user may call one of the regional service center directly to arrange for in-home

service, parts order for merchandise purchase at Circuit City or to follow up on a status of a repair (page 25).

Claim 1 recites a method of enabling scheduling of a service call in a computing environment, the method comprising “obtaining product information regarding a product from a user of the computing environment; determining, by a first computing unit including a web browser, whether the product is serviced by a manufacturer of the product or a service provider different than the manufacturer; and automatically providing to the user, from whom the product information is obtained, at least one available appointment for scheduling a service call based on the product information and on said determination made by the first computing unit, wherein said automatically providing includes providing without interaction between the user and any other human being, and said automatically providing includes providing based on a determination whether to display the at least one available appointment.”

Customer Support System does not describe or suggest a method of enabling scheduling of a service call as recited in Claim 1. Specifically, Customer Support System does not describe or suggest automatically providing to the user, from whom the product information is obtained, at least one available appointment for scheduling a service call based on the product information and on the determination made by the first computing unit, where automatically providing includes providing without interaction between the user and any other human being, and automatically providing includes providing based on a determination whether to display the at least one available appointment. Rather, Customer Support System describes contacting the nearest service center to arrange for a convenient appointment time for in-home service of a product. Customer Support System further describes bringing a computer to any local Circuit City store for in or out of warranty repairs if a manufacturer does not provide an on-site warranty and a user is still in a first year of ownership. Customer Support System describes calling a regional service center directly to arrange for in-home service. Accordingly, Customer Support System does not describe or suggest automatically providing at least one available appointment for scheduling a service call based on the product information and on the determination made by the first computing unit, where automatically providing includes providing based on a determination whether to display the at least one available appointment.

For the reasons set forth above, Claim 1 is submitted to be patentable over Customer Support System.

Claims 2-11, 13-18, 73, and 79-80 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 2-11, 13-18, 73, and 79-80 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-11, 13-18, 73, and 79-80 likewise are patentable over Customer Support System.

Claim 19 recites a method of enabling scheduling of a service call for repair of a home appliance in a computing environment, the method comprising “obtaining product information regarding a product at a first computing unit from input of the product information by a user at a second computing unit coupled to the first computing unit via a communications network; determining, by the second computing unit including a web browser, whether the product is serviced by a manufacturer of the product or a service provider different than the manufacturer; and automatically providing from the first computing unit to the user that input the product information at the second computing unit at least one available appointment for scheduling a service call based on the product information and based on said determination made by the second computing unit, wherein said automatically providing includes providing without interaction between the user and any other human being, and said automatically providing includes providing based on a determination whether to display the at least one available appointment.”

Customer Support System does not describe or suggest a method of enabling scheduling of a service call as recited in Claim 19. Specifically, Customer Support System does not describe or suggest automatically providing from the first computing unit to the user that input the product information at the second computing unit at least one available appointment for scheduling a service call based on the product information and based on the determination made by the second computing unit, where automatically providing includes providing without interaction between the user and any other human being, and automatically providing includes providing based on a determination whether to display the at least one available appointment. Rather, Customer Support System describes contacting the nearest service center to

arrange for a convenient appointment time for in-home service of a product. Customer Support System further describes bringing a computer to any local Circuit City store for in or out of warranty repairs if a manufacturer does not provide an on-site warranty and a user is still in a first year of ownership. Customer Support System describes calling a regional service center directly to arrange for in-home service. Accordingly, Customer Support System does not describe or suggest automatically providing at least one available appointment for scheduling a service call based on the product information and based on the determination made by the second computing unit, where automatically providing includes providing based on a determination whether to display the at least one available appointment. For the reasons set forth above, Claim 19 is submitted to be patentable over Customer Support System.

Claims 20-27 and 74 depend, directly or indirectly, from independent Claim 19. When the recitations of Claims 20-27 and 74 are considered in combination with the recitations of Claim 19, Applicants submit that dependent Claims 20-27 and 74 likewise are patentable over Customer Support System.

Claim 28 recites a system for enabling scheduling of a service call in a computing environment, the system comprising “at least one processor adapted to obtain product information regarding a product from a user of the computing environment; and said at least one processor adapted to: determine whether the product is serviced by a manufacturer of the product or a service provider different than the manufacturer; and provide to the user, from whom the product information is obtained, at least one available appointment for scheduling a service call, wherein the at least one available appointment is based on the product information and on the determination made by said at least one processor, and said at least one processor adapted to provide the at least one available appointment based on a determination whether to display the at least one available appointment.”

Customer Support System does not describe or suggest a system for enabling scheduling of a service call as recited in Claim 28. Specifically, Customer Support System does not describe or suggest at least one processor adapted to provide to the user, from whom the product information is obtained, at least one available appointment for scheduling a service call, where the at least one available

appointment is based on the product information and on the determination made by the at least one processor, and the at least one processor adapted to provide the at least one available appointment based on a determination whether to display the at least one available appointment. Rather, Customer Support System describes contacting the nearest service center to arrange for a convenient appointment time for in-home service of a product. Customer Support System further describes bringing a computer to any local Circuit City store for in or out of warranty repairs if a manufacturer does not provide an on-site warranty and a user is still in a first year of ownership. Customer Support System describes calling a regional service center directly to arrange for in-home service. Accordingly, Customer Support System does not describe or suggest at least one processor adapted to provide at least one available appointment for scheduling a service call based on the product information and on the determination, and the at least one processor adapted to provide the at least one available appointment based on a determination whether to display the at least one available appointment. For the reasons set forth above, Claim 28 is submitted to be patentable over Customer Support System.

Claims 29-38, 40-45, and 75 depend, directly or indirectly, from independent Claim 28. When the recitations of Claims 29-38, 40-45, and 75 are considered in combination with the recitations of Claim 28, Applicants submit that dependent Claims 29-38, 40-45, and 75 likewise are patentable over Customer Support System.

Claim 46 recites a system for enabling scheduling of a service call for repair of a home appliance in a computing environment, the system comprising “means for obtaining product information regarding a product at a first computing unit from input of the product information by the user at a second computing unit coupled to the first computing unit via a communications network, wherein said first computing unit includes a web browser, is configured to determine whether the product is serviced by a manufacturer of the product or a service provider different than the manufacturer; and means for providing from the first computing unit to the user that input the product information at the second computing unit at least one available appointment for scheduling a service call based on the product information and the determination made by said first computing unit, wherein the means for providing provides without interaction between the user and any other human being, and said means for providing

provides the at least one available appointment based on a determination whether to display the at least one available appointment to the user.”

Customer Support System does not describe or suggest a system for enabling scheduling of a service call as recited in Claim 46. Specifically, Customer Support System does not describe or suggest means for providing from the first computing unit to the user that input the product information at the second computing unit at least one available appointment for scheduling a service call based on the product information and the determination made by the first computing unit, where the means for providing provides without interaction between the user and any other human being, and the means for providing provides the at least one available appointment based on a determination whether to display the at least one available appointment to the user. Rather, Customer Support System describes contacting the nearest service center to arrange for a convenient appointment time for in-home service of a product. Customer Support System further describes bringing a computer to any local Circuit City store for in or out of warranty repairs if a manufacturer does not provide an on-site warranty and a user is still in a first year of ownership. Customer Support System describes calling a regional service center directly to arrange for in-home service. Accordingly, Customer Support System does not describe or suggest means for providing from the first computing unit at least one available appointment for scheduling a service call based on the product information and the determination made by the first computing unit, where the means for providing provides the at least one available appointment based on a determination whether to display the at least one available appointment to the user. For the reasons set forth above, Claim 46 is submitted to be patentable over Customer Support System.

Claims 47-54 depend, directly or indirectly, from independent Claim 46. When the recitations of Claims 47-54 are considered in combination with the recitations of Claim 46, Applicants submit that dependent Claims 47-54 likewise are patentable over Customer Support System.

Claim 55 recites at least one program storage device readable by a machine, tangibly embodying at least one program of instructions executable by the machine to perform a method of enabling scheduling a service call, the method comprising

“obtaining product information regarding a product from a user; determining, by the machine, whether the product is serviced by a manufacturer of the product or a service provider different than the manufacturer; and automatically providing to the user, from whom the product information is obtained, at least one available appointment for scheduling a service call based on the product information and said determination made by the machine, wherein said automatically providing includes providing without interaction between the user and any other human being, and said automatically providing includes providing based on a determination whether to display the at least one available appointment.”

Customer Support System does not describe or suggest a method of enabling scheduling a service call as recited in Claim 55. Specifically, Customer Support System does not describe or suggest automatically providing to the user, from whom the product information is obtained, at least one available appointment for scheduling a service call based on the product information and the determination made by the machine, where automatically providing includes providing without interaction between the user and any other human being, and automatically providing including providing based on a determination whether to display the at least one available appointment. Rather, Customer Support System describes contacting the nearest service center to arrange for a convenient appointment time for in-home service of a product. Customer Support System further describes bringing a computer to any local Circuit City store for in or out of warranty repairs if a manufacturer does not provide an on-site warranty and a user is still in a first year of ownership. Customer Support System describes calling a regional service center directly to arrange for in-home service. Accordingly, Customer Support System does not describe or suggest automatically providing at least one available appointment for scheduling a service call based on the product information and the determination made by the machine, where automatically providing includes providing based on a determination whether to display the at least one available appointment. For the reasons set forth above, Claim 55 is submitted to be patentable over Customer Support System.

Claims 56-63 depend, directly or indirectly, from independent Claim 55. When the recitations of Claims 56-63 are considered in combination with the

recitations of Claim 55, Applicants submit that dependent Claims 56-63 likewise is patentable over Customer Support System.

Claim 64 recites an article of manufacture comprising “at least one computer usable medium having computer readable program code means embodied therein for causing a scheduling of a service call for repair of a home appliance, the computer readable program code means in said article of manufacture comprising: computer readable program code means for causing a computer to obtain product information regarding a product at a first computing unit from input of the product information by the user at a second computing unit coupled to the first computing unit via a communications network; computer readable program code means for causing a computer to determine whether the product is serviced by a manufacturer of the product or a service provider different than the manufacturer; and computer readable program code means for causing a computer to provide from the first computing unit to the user that input the product information at the second computing unit at least one available appointment for scheduling a service call based on the product information and the determination made by the computer readable program code means for causing a computer to determine whether the product is serviced by the manufacturer of the product or the service provider different than the manufacturer, and said computer readable program code means for causing a computer to provide the at least one available appointment causes a computer to provide the at least one available appointment based on a determination whether to display the at least one available appointment.”

Customer Support System does not describe or suggest an article of manufacture as recited in Claim 64. Specifically, Customer Support System does not describe or suggest computer readable program code means for causing a computer to provide from the first computing unit to the user that input the product information at the second computing unit at least one available appointment for scheduling a service call based on the product information and the determination made by the computer readable program code means for causing a computer to determine whether the product is serviced by the manufacturer of the product or the service provider different than the manufacturer, and the computer readable program code means for causing a computer to provide the at least one available appointment causes a

computer to provide the at least one available appointment based on a determination whether to display the at least one available appointment. Rather, Customer Support System describes contacting the nearest service center to arrange for a convenient appointment time for in-home service of a product. Customer Support System further describes bringing a computer to any local Circuit City store for in or out of warranty repairs if a manufacturer does not provide an on-site warranty and a user is still in a first year of ownership. Customer Support System describes calling a regional service center directly to arrange for in-home service. Accordingly, Customer Support System does not describe or suggest computer readable program code means for causing a computer to provide from the first computing unit at least one available appointment for scheduling a service call based on the product information and the determination made by the computer readable program code means for causing, and the computer readable program code means for causing a computer to provide the at least one available appointment causes a computer to provide the at least one available appointment based on a determination whether to display the at least one available appointment. For the reasons set forth above, Claim 64 is submitted to be patentable over Customer Support System.

Claims 65-72 depend, directly or indirectly, from independent Claim 64. When the recitations of Claims 65-72 are considered in combination with the recitations of Claim 64, Applicants submit that dependent Claims 65-72 likewise is patentable over Customer Support System.

For the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 1-11, 13-38, 40-75, and 79-80 be withdrawn.

Moreover, Applicants respectfully submit that the Section 103 rejection of Claims 1-11, 13-38, 40-75, and 79-80 is not a proper rejection. As is well established, the mere assertion that it would have been obvious to one of ordinary skill in the art to have modified Customer Support System to obtain the claimed recitations of the present invention does not support a *prima facie* obvious rejection. Rather, each allegation of what would have been an obvious matter of design choice must always be supported by citation to some reference work recognized as standard in the pertinent art and the Applicants given the opportunity to challenge the correctness of

the assertion or the notoriety or repute of the cited reference. Applicants have not been provided with the citation to any reference supporting the combination made in the rejection. The rejection, therefore, fails to provide the Applicants with a fair opportunity to respond to the rejection, and fails to provide the Applicants with the opportunity to challenge the correctness of the rejection. Of course, such combinations are impermissible, and for this reason alone, Applicants requests that the Section 103 rejection of Claims 1-11, 13-38, 40-75, and 79-80 be withdrawn.

Furthermore, Applicants respectfully traverse the statements on pages 3, 8, and 9 of the Office Action. The statements state, "Customer Support System teaches a web-enabled tool that allows a user via his computing device to locate a service provider or manufacturer with which to make an appointment. The user is provided an appointment after interacting with the service provider or manufacturer via the telephone. Interacting with a service provider or manufacturer via automated means such a web site was old and well known at the time of the invention. Furthermore *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958), states that merely providing automated means to replace a manual old and well-known activity which accomplishes the same result is not sufficient to distinguish over the prior art. Therefore, based on the findings of *In re Venner*, merely automating an old and well-known activity such as arranging an appointment is per se obvious...Claims 28-38 and 40-54 recite equivalent limitations to claims 1-11 and 13-28, respectively, and are therefore rejected using the same art and rationale relied upon above...Claims 55-63 recite equivalent limitations to claims 19-27, respectively, and are therefore rejected using the same art and rationale relied upon above...Claims 64-72 recite equivalent limitations to claims 19-27, respectively, and are therefore rejected using the same art and rationale relied upon above."

Applicants respectfully submit that a manner of providing at least one available appointment as recited in Claims 1, 19, 28, 46, 55, and 64 is substantially different from a manner described in Customer Support System. Specifically, "Without deciding the validity of the proposition for which defendant cites the case of *In re Venner and Bowser*, 262 F.2d 91, 46 CCPA 754, 120 USPQ 192 (1958), it is concluded that the incorporation of automatic phase controlling circuitry in a pulse transmission system does not constitute the mere substitution of automatic means for

a known function previously performed by manual activity. The phase discriminator and phase regulator of the '980 patent operate in a manner substantially different from the activity of an operator who manually controls the transmitting operation.” *Decca, Limited v. United States*, 160 USPQ 739, 750 (US Cl Ct 1969). Applicants respectfully submit that a provision of at least one appointment as recited in Claims 1, 19, 28, 46, 55, and 64 is performed in a manner substantially different from a manner in which an appointment is arranged in Customer Support System. For example, Claim 19 includes “automatically providing from the first computing unit to the user that input the product information at the second computing unit at least one available appointment for scheduling a service call based on the product information and based on said determination made by the second computing unit” and Customer Support System describes contacting the nearest service center to arrange for a convenient appointment time for in-home service of a product. Accordingly, Customer Support System contacting the nearest service center to arrange an appointment time and Claim 19 includes “automatically providing from the first computing unit to the user that input the product information at the second computing unit at least one available appointment for scheduling a service call based on...said determination made by the second computing unit.” For the reasons set forth above, a manner of providing at least one available appointment as recited in Claims 1, 19, 28, 46, 55, and 64 is substantially different from a manner described in Customer Support System.

Moreover, Applicants respectfully submit that providing at least one available appointment as recited in Claims 1, 19, 28, 46, 55, and 64 does not accomplish the same result as that described in Customer Support System. Specifically, “the Examiner has not established that manually rubbing accomplished the same result as a rotatory power tool.” *Ex parte Rochard Brouillet, Jr.*, 2001 WL 1339914 (Bd. Pat. App & Interf. 2001). Applicants respectfully submit that providing at least one available appointment as recited in Claims 1, 19, 28, 46, 55, and 64 do not accomplish the same result as arranging an appointment as described in Customer Support System. For example, arranging an appointment as described in Customer Support System does not result in a screen shot shown in Figure 5 of the present patent application.

For at least the reasons set forth above, Applicants respectfully request that the rejections of Claims 1-11, 13-38, 40-75, and 79-80 under 35 U.S.C. 103(a) be withdrawn.

The rejection of Claim 81 under 35 U.S.C. § 103(a) as being unpatentable over Customer support system in view of Rasansky et al. (U.S. Patent 5,960,406) is respectfully traversed.

Customer Support System is described above. Rasansky et al. a process illustrating a creation of a reminder that is to appear in a calendar within an Appointnet system (column 17, lines 60-62). An end user selects a "Reminder" button on a left menu bar to start the process (column 17, lines 62-63). In the process, a subject (1590) is entered, a length of time (1600) is entered, and reminder text can be entered as well (1670) (column 17, lines 63-65). When a send button (1610) is selected the reminder is posted to the calendar (column 17, lines 65-67).

Claim 81 depends from independent Claim 1 which recites a method of enabling scheduling of a service call in a computing environment, the method comprising “obtaining product information regarding a product from a user of the computing environment; determining, by a first computing unit including a web browser, whether the product is serviced by a manufacturer of the product or a service provider different than the manufacturer; and automatically providing to the user, from whom the product information is obtained, at least one available appointment for scheduling a service call based on the product information and on said determination made by the first computing unit, wherein said automatically providing includes providing without interaction between the user and any other human being, and said automatically providing includes providing based on a determination whether to display the at least one available appointment.”

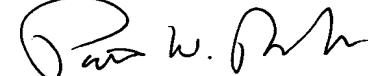
Neither Customer Support System nor Rasansky et al., considered alone or in combination, describe or suggest a method of enabling scheduling of a service call as recited in Claim 1. Specifically, neither Customer Support System nor Rasansky et al., considered alone or in combination, describe or suggest automatically providing to the user, from whom the product information is obtained, at least one available

appointment for scheduling a service call based on the product information and on the determination made by the first computing unit, where automatically providing includes providing without interaction between the user and any other human being, and automatically providing includes providing based on a determination whether to display the at least one available appointment. Rather, Customer Support System describes contacting the nearest service center to arrange for a convenient appointment time for in-home service of a product. Customer Support System further describes bringing a computer to any local Circuit City store for in or out of warranty repairs if a manufacturer does not provide an on-site warranty and a user is still in a first year of ownership. Customer Support System describes calling a regional service center directly to arrange for in-home service. Rasansky et al. describe posting a reminder to a calendar when a send button is selected. Accordingly, neither Customer Support System nor Rasansky et al., considered alone or in combination, describe or suggest automatically providing at least one available appointment for scheduling a service call based on the product information and on the determination made by the first computing unit, where automatically providing includes providing based on a determination whether to display the at least one available appointment. For the reasons set forth above, Claim 1 is submitted to be patentable over Customer Support System in view of Rasansky et al.

When the recitations of Claim 81 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claim 81 likewise is patentable over Customer Support System in view of Rasansky et al.

In view of the foregoing remarks, this application is believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



Patrick W. Rasche
Registration No.: 37,916
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070